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September 21, 2018

**By eCRB**

United States Copyright Royalty Judges  
Library of Congress  
P.O. Box 70977  
Washington, DC 20024-0877

Re: In re Determination of Royalty Rates and Terms for Transmission of Sound Recordings by Satellite  
Radio and “Preexisting” Subscription Services (SDARS III), Dkt. No. 16-CRB-001-SR/PSSR  
(2018-2022)

To The United States Copyright Royalty Judges:

I write on behalf of Sirius XM in response to Mr. Englund’s September 20, 2018 correspondence on behalf of SoundExchange, Inc. That letter, which was sent without prior notification to, or consultation with, Sirius XM improperly “suggests” that the awaited passage of the Orrin G. Hatch Music Modernization Act (“MMA”) will somehow render moot the pending rehearing of this proceeding. That is flatly incorrect.

Nothing on the face of the legislative passage quoted by Mr. Englund, or anything else in the body of that legislation, affords SoundExchange such relief. Indeed, nothing that has transpired calls for Sirius XM to withdraw its motion or for the Judges to cease their rehearing. Sirius XM is not presently asking the Judges to do so; nor will Sirius XM make such a request even if the MMA is enacted. The Judges should, accordingly, ignore counsel for SoundExchange’s “suggestion,” continue their rehearing deliberations, and, when complete, issue their final determination.

We sincerely regret that SoundExchange and its counsel have sought to misuse a legislative compromise in the fashion proposed by Mr. Englund’s letter. Regardless of that compromise, the precedents of this

United States Copyright Royalty Judges  
September 21, 2018  
Page 2

**Weil, Gotshal & Manges LLP**

Tribunal – including as potentially corrected on rehearing – are crucially important and will be of long-term significance wholly independent of any understandings embodied in the pending MMA legislation.

Respectfully submitted,

*/s/ R. Bruce Rich*

R. Bruce Rich

*Counsel for Sirius XM Radio Inc.*

cc: All participants

# Proof of Delivery

I hereby certify that on Friday, September 21, 2018 I provided a true and correct copy of the Notice re MMA to the following:

Warner Music Group, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

SAG-AFTRA, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

American Association of Independent Music ("A2IM"), represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

Sony Music Entertainment, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

Music Choice, represented by Paul M Fakler served via Electronic Service at pfakler@orrick.com

SoundExchange, Inc., represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

Universal Music Group, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

Johnson, George, represented by George D Johnson served via Electronic Service at george@georgejohnson.com

American Federation of Musicians of the United Sta, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

Recording Industry Association of America, The, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

Signed: /s/ Todd Larson